

AMENDMENT AND RESPONSE

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Serial No. 09/995,262

Attorney Docket No. 100.362US01

Title: ADAPTIVE MODULE FOR HOUSINGS

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concl'd

cards for providing services to a plurality of subscribers; and

wherein the housing is adapted to receive a self-contained module to plug into the housing to add N+1 redundancy to the telecommunications system.

REMARKS

Applicants have reviewed the Office Action mailed on December 19, 2002, and the references cited therewith. Claims 31-33 and 36 have been amended. Claims 1-38 are now pending in the present application.

Rejections Under 35 U.S.C. § 112

Claims 16, 19, 22-24, 31-33, and 36-37 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

In regards to Claim 16, 19, 22-24, the Examiner stated:

It is unclear what comprises the recited "housing containing a non-redundant cable modem termination system", making the claims indefinite. Because the elements that are provided in the non-redundant cable modem termination system are omitted, there is no support in the claims for the presence of such system. The claims should clearly indicate what components are present in said system to make it a non-redundant cable modem termination system.

Claim 20

In regards to Claim 16, Applicant respectfully traverses the Examiner's rejection under 112. As written, Claim 16 provides elements contained in the non-redundant cable modem that define the scope of the claim, provide enablement to those in the art and is supported in the specification. In particular, Claim 16 includes "a first electronic module of the non-redundant cable modem termination system" and "a second electronic module of the non-redundant cable modem termination system." Support for an "electronic

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module of the non-redundant cable modem termination system" is provided in Paragraph 0009 and the subsequent paragraphs of the present application. Since the Applicant is entitled to draft claims as broad as the prior art allows and Claim 16 provides definiteness as written, the 112 rejection is improper. Therefore, Applicant respectfully requests the withdrawal of the rejection of Claim 16 under section 112.

Claim 19

In regards to dependant Claim 19, Applicant respectfully traverses the Examiner's rejection of Claim 19 under section 112 rejection. Claim 19 depends from Claim 6. Claim 19 is as follows:

19. (Previously added) The housing of claim 6, wherein the first module is a housing for a non-redundant cable modem termination system.

Support for an "non-redundant cable modem termination system" is provided in Paragraph 0009 and the subsequent paragraphs of the present application. Since the Applicant is entitled to draft claims as broad as the prior art allows and Claim 19 provides definiteness as written, the 112 rejection is improper. Therefore, Applicant respectfully requests the withdrawal of the rejection of Claim 19 under section 112.

Claims 22-24

In regards to dependant Claims 22-24, the arguments put forth in regard to claim 16 equally applies. Since the Applicant is entitled to draft claims as broad as the prior art allows and Claims 22-24 provide definiteness as written, a 112 rejection is improper. Therefore, Applicant respectfully requests the withdrawal of the rejection of Claims 22-24 under section 112.

In regards to claims 31 and 33 the Examiner stated:

It appears that the claimed primary module would be a separate and different module from the electrical modules, however, from the

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examiner's understanding of the present invention, the primary modules are selected from the electronic modules. This makes the claim language conflicting and indefinite.

Claim 31

In regards to Claim 31, Applicant respectfully traverses the Examiner's rejection under section 112. Claim 31 is as follows:

31. (Previously added) The system of claim 29, wherein the module includes a relay/switch that selectively routes signals between a redundant card and the inputs and outputs associated with a primary card when the primary card fails.

As illustrated, Claim 31 does not claim a "primary module" or an "electronic module." Therefore, Applicant respectfully requests the withdrawal of rejection of claim 31 under section 112.

Claim 33

In regards to Claim 33, Applicant has amended Claim 33 to clarify that the primary electronic module is one of the plurality of electronic modules. Accordingly, Applicant respectfully requests the withdrawal of the rejection of Claim 33 under section 112.

Claim 32

In regards to Claim 32, the Examiner stated "[c]laim 32 is indefinite as the terminology regarding the cards is unclear. What is Applicant designating as the primary, secondary, redundant primary or failed primary cards?"

Claim 32 is as follows:

32. (Currently amended) The system of claim 31, wherein: the plurality of cards includes a plurality of paired primary and secondary cards, further wherein at least one of the primary cards is used as a

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redundant primary card; and
wherein the a relay/switch that redirects signals between a the redundant
primary card and a secondary card associated with a failed primary card.

Claim 32 has been amended for clarification purposes. As amended, Claim 32 is definite and is supported in the specification in paragraph 0014 and 0016 of the current application. Accordingly, Applicant respectfully requests the withdrawal of the rejection of Claim 33 under section 112.

Claim 36

In regards to Claim 36, the applicant has amended the claim to remove any language that could be interpreted as a conflict. Accordingly, Applicant respectfully requests the withdrawal of the rejection of Claim 33 under section 112.

Rejections Under 35 U.S.C. § 102

Claims 1-4 and 17 were rejected under 35 USC § 102(b) as being anticipated by Albert et al., (U.S. Patent No. 5,006,951). A section 102 rejection requires that a piece of art teach every aspect of the claimed invention either explicitly or impliedly.

Claim 1

In regards to independent Claim 1, the Albert et al. reference does not teach all the aspects of Claim 1. For example, Claim 1 includes the element "a switch/relay disposed within the card cage and electrically connected to the backplane, the switch/relay adapted to enable communication between the active first electronic module and the backup second electronic module when there is a failure within the active second electronic module." The Albert et al. reference does not teach "a switch/relay disposed within the card cage and electrically connected to the backplane, the switch/relay adapted to enable

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communication between the active first electronic module and the backup second electronic module when there is a failure within the active second electronic module," as is disclosed and claimed in Claim 1 of the present application. Please refer to column 3, lines 53-54 and lines 57-60 of the Albert et al. reference. Accordingly, since not all aspects of the claimed invention are taught by the Albert et al. reference, the Applicant respectfully request the withdrawal of the rejection of Claim 1 under 35 U.S.C. § 102(b).

Moreover, since Claims 2-5 depend from and further define patentably distinct Claim 1, Applicant respectfully requests the withdrawal of the rejections to Claims 2-5. Since, Applicant believes that Claims 2-5 are allowable for the aforementioned reasons, no further arguments have been put forth to address any other rejections directed to those claims. Applicant, however, retains the right to respond to said rejection if a further response is required.

Claim 1, was further rejected under 102(b) as being anticipated by Bagley. However, the Bagley reference does not teach all the aspects of Claim 1. For example, Claim 1 includes the element "a switch/relay disposed within the card cage and electrically connected to the backplane, the switch/relay adapted to enable communication between the active first electronic module and the backup second electronic module when there is a failure within the active second electronic module." The Bagley reference does not teach "a switch/relay disposed within the card cage and electrically connected to the backplane, the switch/relay adapted to enable communication between the active first electronic module and the backup second electronic module when there is a failure within the active second electronic module," as is disclosed and claimed in Claim 1 of the present application. In particular, the Bagley reference relates to a memory system with a main memory and a backup memory. Switching from the main memory to the backup memory is discussed in Column 3 lines 33-65 of the Bagley reference. This does not teach the element of Claim 1 as reproduced above. Accordingly, since not all aspects of the claimed invention are taught by the

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Bagley reference, the Applicant further requests the withdrawal of the rejection of Claim 1 under 35 U.S.C. § 102(b) with regard to this rejection.

Claims 1-2, 4-6, 9, and 19 were rejected under 35 USC § 102(b) as being anticipated by Bagley (U.S. Patent No. 5,991,852). A section 102 rejection requires that a piece of art teach every aspect of the claimed invention either explicitly or impliedly.

Claim 6

Claim 6, was further rejected under 102(b) as being anticipated by Bagley. However, the Bagley reference does not teach all the aspects of Claim 6. For example, Claim 1 includes the element "a switch/relay disposed within the second module and connected to the second backplane, the switch/relay adapted to selectively permit communication between the third electronic module and the second electronic module when there is a failure within the first electronic module." The Bagley reference does not teach "a switch/relay disposed within the second module and connected to the second backplane, the switch/relay adapted to selectively permit communication between the third electronic module and the second electronic module when there is a failure within the first electronic module," as is disclosed and claimed in Claim 6 of the present application. In particular, the Bagley reference relates to a memory system with a main memory and a backup memory. Switching from the main memory to the backup memory is discussed in Column 3 lines 33-65 of the Bagley reference. This does not teach the element of Claim 6 as reproduced above. Accordingly, since not all aspects of the claimed invention are taught by the Bagley reference, the Applicant respectfully requests the withdrawal of the rejection of Claim 6 under 35 U.S.C. § 102(b).

Moreover, since Claims 9 and 19 depend from and further define patentably distinct Claim 6, Applicant respectfully requests the withdrawal of the rejections to Claims 9 and 19. Since, Applicant believes that Claims 9 and 19 are allowable for the aforementioned reasons, no further arguments have been put forth to address any other

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rejections directed to those claims. Applicant, however, retains the right to respond to said rejection if a further response is required.

Claims 29-36 and 38 were rejected under 35 USC § 102(e) as being anticipated by Cloonan et al. (U.S. Patent No. 6,449,249). A section 102 rejection requires that a piece of art teach every aspect of the claimed invention either explicitly or impliedly.

Claim 29

Claim 29, was rejected under 102(b) as being anticipated by Cloonan et al. However, the Cloonan et al. reference does not teach all the aspects of Claim 29. For example, Claim 29 includes the element "wherein the housing is adapted to receive a module to communicatively couple to one or more of the plurality of cards in the housing to add redundancy to the telecommunications system." The Cloonan et al. reference does not teach "wherein the housing is adapted to receive a module to communicatively couple to one or more of the plurality of cards in the housing to add redundancy to the telecommunications system," as is disclosed and Claimed in Claim 29 of the present application. Please refer to Column 6, lines 37-67 of the Cloonan et al. reference which describes switching cards 430, 435, 440, 445 and 450. This does not teach the element of Claim 29 as reproduced above. Moreover, the Cloonan et al. reference does not disclose a housing, so there is no teaching of a housing "adapted to receive a module," as is disclosed and claimed in claim 29 of the present application. Accordingly, since not all aspects of the claimed invention are taught by the Cloonan et al. reference, the Applicant respectfully requests the withdrawal of the rejection of Claim 29 under 35 U.S.C. § 102(b).

Moreover, since Claims 30-32 depend from and further define patentably distinct Claim 29, Applicant respectfully requests the withdrawal of the rejections to Claims 30-32. Since, Applicant believes that Claims 30-32 are allowable for the aforementioned reasons, no further arguments have been put forth to address any other rejections directed

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to those claims. Applicant, however, retains the right to responded to said rejection if a further response is required.

Claim 33

Claim 33, was rejected under 102(b) as being anticipated by Cloonan et al reference. However, the Cloonan et al. reference does not teach all the aspects of Claim 33. For example, Claim 33 includes the element "wherein the housing is adapted to receive an adaptation module to selectively, communicatively couple to the plurality of electronic modules in the housing." The Cloonan et al. reference does not teach "wherein the housing is adapted to receive an adaptation module to selectively, communicatively couple to the plurality of electronic modules in the housing," as is disclosed and Claimed in Claim 33 of the present application. Please refer to Column 6, lines 37-67 of the Cloonan et al. reference which describes switching cards 430, 435, 440, 445 and 450. This does not teach the element of Claim 33 as reproduced above. Moreover, the Cloonan et al. reference does not disclose a housing, so there is no teaching of a housing "adapted to receive an adaptation module," as is disclosed and claimed in claim 33 of the present application. Accordingly, since not all aspects of the claimed invention are taught by the Cloonan et al. reference, the Applicant respectfully requests the withdrawal of the rejection of Claim 33 under 35 U.S.C. § 102(b).

Moreover, since Claims 34-35 depend from and further define patentably distinct Claim 33, Applicant respectfully requests the withdrawal of the rejections to Claims 34-35. Since, Applicant believes that Claims 34-35 are allowable for the aforementioned reasons, no further arguments have been put forth to address any other rejections directed to those claims. Applicant, however, retains the right to responded to said rejection if a further response is required.

Claim 36

Claim 36, was rejected under 102(b) as being anticipated by Cloonan et al reference. However, the Cloonan et al. reference does not teach all the aspects of Claim

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36. For example, Claim 36 includes the element "attaching a redundancy module to the housing to selectively communicate with the plurality of electronic modules." The Cloonan et al. reference does not teach "attaching a redundancy module to the housing to selectively communicate with the plurality of electronic modules," as is disclosed and Claimed in Claim 36 of the present application. Please refer to Column 5, line 55 through column 6 line 35 of the Cloonan et al. reference which describes interface circuit cards 402, 403 and 411. This does not teach the element of Claim 36 as reproduced above. Moreover, the Cloonan et al. reference does not disclose a housing, so there is no teaching of "attaching a redundancy module to the housing," as is disclosed and claimed in claim 29 of the present application.

In addition, Claim 36 as amended includes the element "providing a housing having a plurality of electronic modules designed to operate in a non-redundant configuration." The Cloonan et al. reference does not teach "providing a housing having a plurality of electronic modules designed to operate in a non-redundant configuration," (emphasis added) as is disclosed and claimed in 36 of the present application. Accordingly, since not all aspects of the claimed invention are taught by the Cloonan et al. reference, the Applicant respectfully requests the withdrawal of the rejection of Claim 36 under 35 U.S.C. § 102(b).

Moreover, since Claim 37 depends from and further define patentably distinct Claim 36, Applicant respectfully requests the withdrawal of the rejections to Claim 37. Since, Applicant believes that Claim 37 are allowable for the aforementioned reasons, no further arguments have been put forth to address any other rejections directed to those claims. Applicant, however, retains the right to respond to said rejection if a further response is required.

Claim 38

Claim 38, was rejected under 102(b) as being anticipated by Cloonan et al reference. However, the Cloonan et al. reference does not teach all the aspects of Claim 38. For example, Claim 38 includes the element "wherein the housing is adapted to

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receive a self-contained module to plug into the housing to add N+1 redundancy to the telecommunications system.” The Cloonan et al. reference does not teach “wherein the housing is adapted to receive a self-contained module to plug into the housing to add N+1 redundancy to the telecommunications system,” as is disclosed and Claimed in Claim 38 of the present application. Please refer to Column 5, line 55 through column 6 line 35 of the Cloonan et al. reference which describes spare circuit card 401. This does not teach the element of Claim 38 as reproduced above. Moreover, the Cloonan et al. reference does not disclose a housing, so there is no teaching of a housing “adapted to receive a self-contained module,” as is disclosed and claimed in claim 29 of the present application. Accordingly, since not all aspects of the claimed invention are taught by the Cloonan et al. reference, the Applicant respectfully requests the withdrawal of the rejection of Claim 38 under 35 U.S.C. § 102(b).

Allowable Subject Matter

Applicant acknowledges and thanks the Examiner for the allowance of Claims 7-8, 10-15, 18, 20-21, and 25-28.

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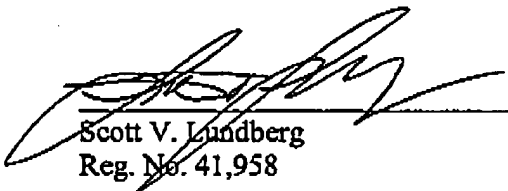
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CONCLUSION

Applicant respectfully submits that the claims 1-38 are all in condition for allowance and notification to that effect is earnestly requested. If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 332-4720.

Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 502432.

Respectfully submitted,

Date: 4-17-03

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